

REMARKS

Claims 1-15 are all the claims presently pending in the application. By this amendment, claims 1, 6, and 11 are amended. The amendments introduce no new matter.

It is noted that claim amendments, if any, are made only to assure grammatical and idiomatic English and improved form under United States practice, and are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-2, 6-7, and 11-12 stand rejected under 35 U.S.C. §103(a) as being obvious over Yi (U.S. Patent 7,003,040) in view of Imagawa et al. (U.S. Patent Application Publication No. US 2002/0031262).

The rejection is respectfully traversed in the following discussion.

THE CLAIMED INVENTION

The claimed invention, as exemplarily defined in claims 1, 6, and 11, is directed to a cellular telephone set which self-produces animation, a method for producing animation in the cellular telephone set, and a computer program which causes the method to be executed.

The cellular telephone set has a display screen which is capable of displaying images. The display screen simultaneously displays an Image Display Screen and a Frame Display Screen. The Image Display Screen simultaneously displays one or more (up to twelve in the preferred embodiment) still images in thumbnail form so that the contents of the images may be seen at a glance. The Frame Display Screen simultaneously displays one or more (up to

six in the preferred embodiment) still images for animation display per frame number in thumbnail form. The still images displayed on the Frame Display Screen are selected on the simultaneously-displayed Image Display Screen.

In a conventional cellular telephone with display screen, pictures or images may be stored. The phone may display multiple pictures or images sequentially as an animation. The phone may have a digital camera installed which takes pictures and stores them in the cellular telephone for later viewing. A cellular telephone with digital camera installed may photograph a series of pictures or images sequentially as a set and display them individually or as an animation. The cellular telephone set may also display pictures taken by the consecutive photographing function as thumbnail images. The pictures or images taken by the consecutive photographing function are taken as a set and registered as one animation; thus, low quality pictures due to blurring of pictures from an unsteady hold on the camera can be inherently registered.

The claimed invention, on the other hand, provides a means and method to overcome the drawbacks to self-producing animation in the conventional cellular telephone handset with animation display function. The claimed invention provides an Image Display Screen and Frame Display Screen simultaneously displayed, so that the user easily views images or pictures available, and images or pictures in an animation, at the same time, and can thus select images or pictures to be included in or removed from an animation at any point in the animation. The user can also display multiple frames of the self-produced animation simultaneously on the Frame Display Screen as images or pictures are added to or removed from frames of the animation, to visually appreciate the transition of the animation frames.

THE 35 U.S.C. §103(a) REJECTIONS

The Yi Reference

The Examiner alleges that Yi discloses certain features of the claimed invention. However, Applicant submits that there are features of the claimed invention that are not disclosed or suggested in Yi.

In regard to claims 1, the Examiner alleges that Yi teaches, “*a cellular telephone set capable of displaying still images on screen (fig. 2-3; col. 2, lines 47-65),*” “*displaying an image display screen (fig. 2-3),*” and, “*a frame display screen selected on the image display screen for animation display per frame number form simultaneously with each other a display screen (see col. 10, lines 9-18 and figs. 2-3).*”

Yi fails to disclose or suggest “A cellular telephone set, wherein: said set displays an image display screen displaying still images in a thumbnail form so that contents of images can be seen at a glance; and said set displays a frame display screen displaying still images selected on the image display screen for animation display per frame number in a thumbnail form, the image display screen and the frame display screen being displayed simultaneously with each other,” as recited in claim 1.

Yi discloses a cellular telephone set capable of displaying still images on a display screen. Yi, Fig. 2-3. Applicant notes that the Examiner calls particular attention to this feature. See Office Action, p. 7, second paragraph. Applicant admits, and has never disputed, that Yi discloses “a cellular telephone set capable of displaying still images on a display screen.” Applicant submits that claim 1 was clear as previously presented. However,

claim 1 is herein amended to remove any possibility of ambiguity or confusion.

However, Yi fails to disclose or suggest wherein the cellular telephone set “displays an image display screen displaying still images in a thumbnail form so that contents of images can be seen at a glance.” Instead, Yi teaches only a cellular telephone set display displaying an animation, image, or video. The Office Action admits that “Yi does not teach thumbnail form contents of images displaying still images can be seen at a glance.” Office Action, p. 4.

Applicant notes that the Examiner cites Yi, fig. 2-3, as being both the cellular telephone set display screen, and as an “*image display screen*” displayed on the cellular telephone set display screen. However, the Examiner fails to allege that Yi discloses or suggests wherein the cellular telephone set “displays an image display screen displaying still images in a thumbnail form so that contents of images can be seen at a glance,” as recited in the claim. Instead, as discussed above, the Examiner admits that “Yi does not teach thumbnail form contents of images displaying still images can be seen at a glance.” Thus, Yi necessarily cannot disclose or suggest this feature as recited.

The Examiner alleges that Yi discloses, “a frame display screen selected on the image display screen for animation display per frame number form simultaneously with each other a display screen (see col. 10, lines 9-18 and figs. 2-3).”

However, the Examiner fails to allege that Yi teaches or suggests wherein the cellular telephone set “displays a frame display screen displaying still images selected on the image display screen for animation display per frame number in a thumbnail form,” as recited in the claim.

As discussed above, Yi fails to disclose or suggest displaying an image display screen displaying still images in a thumbnail form so that contents of images can be seen at a glance.

Further, Yi fails to disclose or suggest a “frame display screen displaying still images selected on the image display screen.” Because Yi fails to disclose or suggest displaying an image display screen as recited and defined in the claim, Yi necessarily cannot disclose or suggest displaying a frame display screen displaying still images selected on the image display screen, as recited in the claim.

Instead, Yi discloses displaying a single avatar, frame, or image to be displayed by the cellular telephone set at any one time.

“As previously discussed, the table in a terminal memory may include multiple entries for the same user. This may occur, for example, when the user has multiple phone numbers. In this case, the same avatar may be displayed for all phone numbers corresponding to that user or different avatars may be displayed, for example, depending on the number where the user is calling from. Also, the receiving terminal may be equipped with image-capture software that will allow a single frame (or image) from a received video stream to be stored and subsequently displayed.”

Yi, col. 10, lines 9-18.

The Examiner alleges that Yi discloses, “*a frame display screen selected on the image display screen for animation display per frame number form simultaneously with each other a display screen (see col. 10, lines 9-18 and figs. 2-3).*”

However, Yi fails to disclose or suggest wherein the cellular telephone set displays the image display screen as recited and defined in the claim, and further fails to disclose or suggest the frame display screen as recited and defined in the claim, as discussed above. Thus, Yi necessarily cannot disclose or suggest a cellular telephone set wherein the image display screen and the frame display screen being displayed simultaneously with each other,

as recited in the claim.

Further, the Examiner fails to allege that Yi discloses a cellular telephone set wherein “the image display screen and the frame display screen being displayed simultaneously with each other,” as recited in claim 1.

The Examiner denies that certain features are recited in the claims. *“In response to the applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., displaying multiple thumbnails of pictures or images such that the user can see their contents at a glance, two sets of still images.) are not recited in the rejected claims(s).”* See Office Action, p. 2, third paragraph. Applicant believes this to be due to a misreading of the plain meaning of claim 1 as previously presented. Claim 1 is herein amended to preclude any such misreading of the plain meaning. Applicant refers the Examiner to clear language of the amended claim, particularly the features “said set displays an image display screen displaying still images in a thumbnail form so that contents of images can be seen at a glance,” “said set displays a frame display screen displaying still images selected on the image display screen for animation display per frame number in a thumbnail form,” and “the image display screen and the frame display screen being displayed simultaneously with each other,” as recited in claim 1.

The Examiner alleges that Yi teaches *“a frame display screen displaying still image selected on the image display screen for animation display,”* and, *“Yi teaches an appropriate service may then be selected from various services images, still animation and live animation – if the user selects the option for receiving image, images transmitted receives every 20minuts [sic]. (see column 10, line 58 through column 11, lines 17-53).”*

However, Yi fails to teach or suggest, and the Examiner fails to allege that Yi discloses or suggest, wherein “said set displays a frame display screen displaying still images selected on the image display screen for animation display per frame number in a thumbnail form,” as recited in the claim.

As discussed above, Yi fails to disclose or suggest displaying a frame display screen and an image display screen as recited in the claim. Instead, Yi discloses displaying only a single image, animation, avatar or video.

Further, Yi discloses selecting from various still images and animation but fails to disclose or suggest wherein “said set displays a frame display screen displaying still images selected on the image display screen for animation display per frame number in a thumbnail form,” as recited in the claim. Yi discloses displaying such an image on the cellular telephone set display. Yi fails to disclose or suggest displaying such images on or selecting such images from an image display screen in thumbnail form, as recited in the claim. Yi fails to disclose or suggest displaying such images in a frame display screen in thumbnail form, as recited in the claim. Yi fails to disclose or suggest selecting such images for animation display per frame number, as recited in the claim.

Thus, turning to the clear language of the claim, Yi fails to disclose or suggest, and the Examiner has failed to allege that Yi discloses or suggests, “A cellular telephone set, wherein: said set displays an image display screen displaying still images in a thumbnail form so that contents of images can be seen at a glance; and said set displays a frame display screen displaying still images selected on the image display screen for animation display per frame number in a thumbnail form, the image display screen and the frame display screen

being displayed simultaneously with each other,” as recited in independent claim 1.

Independent claims 6 and 11 recite features similar to those recited in independent claim 1. Applicant traverses the rejection of independent claims 6 and 11 on substantially similar grounds as discussed above.

Claims 2-5, 7-10, and 12-15 depend from independent claims 1, 6, and 11, respectively, and inherit all features and limitations thereof. Applicant submits that claims 2-5, 7-10, and 12-15 are patentable for at least this reason, as well as for the additional features they recite.

The Imagawa Reference

The Examiner alleges that Yi in view of Imagawa teaches the features of the claimed invention. However, Applicant submits that there are features of the claimed invention that are neither taught nor suggested by Yi, as discussed above. Imagawa fails to overcome these deficiencies of Yi.

The Examiner alleges that Imagawa discloses the feature of displaying still images in thumbnail form so that the contents of images can be seen at a glance, at Fig. 4, page 2, para. [0021]-[0026], p. 5, para. [0086]-[0088], and page 6, para. [0107]. The deficiencies of the cited reference, in particular Fig. 4, were discussed in the Remarks accompanying Applicant's previous amendment. Applicant does note that Imagawa discloses displaying multiple thumbnail images simultaneously. Imagawa, Fig. 17 and para. [0046], [0153].

However, Imagawa fails to disclose or suggest wherein “said set displays an image display screen displaying still images in a thumbnail form so that contents of images can be seen at a glance; and said set displays a frame display screen displaying still images selected

on the image display screen for animation display per frame number in a thumbnail form, the image display screen and the frame display screen being displayed simultaneously with each other,” as recited in independent claim 1.

Thus, even assuming, *arguendo*, that Imagawa could be combined with Yi, such a combination would still fail to disclose or suggest all features of the independent claims, as recited.

The Examiner alleges that “*Both Yi and Imagawa teaches still image display animate image, then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to store thumbnail form consecutive image in the Yi system, as evidenced by Imagawa, in order to, in an organized manner, easy [sic] to manage the consecutive frames of photographs at the display by selecting a frame of photo for view.*”

However, no citation is made to any reference which teaches or suggests combining Yi with Imagawa or any other reference to include all features of independent claim 1. Such teaching or suggestion to combine must be found in the prior art to support an obviousness rejection. Thus, such reasoning constitutes impermissible hindsight use of Applicant’s disclosure.

Neither Yi nor Imagawa teaches or suggests displaying both an image display screen and a frame display screen as sets of thumbnail images, as described by the plain meaning of the claim language of the independent claims.

Hence, turning to the clear language of the claims, in neither Yi nor Imagawa, alone or in combination, is there a teaching or suggestion of: “A cellular telephone set, wherein: said set displays an image display screen displaying still images in a thumbnail form so that

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contents of images can be seen at a glance; and said set displays a frame display screen displaying still images selected on the image display screen for animation display per frame number in a thumbnail form, the image display screen and the frame display screen being displayed simultaneously with each other,” as required by claim 1.

Thus, as discussed above, Applicant submits that Yi, either alone and if combined with Imagawa, fails to teach or suggest all features and limitations of independent claim 1, and that no citation has been shown to any teaching or suggestion in the prior art to combine Yi with Imagawa. Therefore, Applicant respectfully requests withdrawal of the 103(a) rejection of independent claim 1.

Claims 2-5 are dependent on independent claim 1 and inherit all features and limitations thereof. Applicant respectfully requests withdrawal of the 103(a) rejections of claims 2-5, for at least the reasons discussed above.

Claims 6-10 recite a method with features and limitations substantially similar to those of claims 1-5 discussed above. Yi, either alone or in combination with Imagawa, fails to disclose all features of independent claim 6. Further, no citation is made to any reference in the prior art which teaches or suggests combining Yi with Imagawa or with any other reference to include all features and limitations of independent claim 6. Thus, for substantially similar reasons as to those discussed above with regard to claims 1-5, Applicant respectfully requests withdrawal of the 103(a) rejections of claims 6-10.

Claims 11-15 recite a computer-executable program stored in a cellular telephone with features and limitations substantially similar to those of claims 1-5 discussed above. Yi, both alone and in permissible combination with Imagawa, fails to disclose all features of

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independent claim 6. Further, no citation is made to any reference in the prior art which teaches or suggests combining Yi with Imagawa or with any other reference to include all features and limitations of independent claim 11. Thus, for substantially similar reasons as to those discussed above with regard to claims 1-5, Applicant respectfully requests withdrawal of the 103(a) rejections of claims 11-15.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1-15, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.


Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

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To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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